IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 151 OF 2005

APRANT IRON AND STEEL PVT.LTD.AND 6 ORS., ...Petitioners

Versus

UNION OF INDIA THROUGH THE SECRETARY AND 2 ORS., ...Respondents

Mr. A.N.S. Nadkarni with Mr. H. D. Naik, advocates for the petitioners.
Mr. C.A. Ferreira, Assistant Solicitor General for the respondent no.1.
Mr. V. B. Nadkarni, Senior Advocate with Mr. Y. V. Nadkarni, advocate for the respondent no.2.
Mr. G. K. Sardesai, advocate for the respondent no.3.
Mr. S. R. Rivankar, for the Goa State Pollution Control Board.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 20th September, 2005

P.C.

Heard.

The learned Senior Counsel and the counsel appearing for the parties agree that grievance of the petitioners in respect of decision of the respondent no.2 (Mormugao Port Trust) to transfer handling of coal/coke from the existing berth nos.10 and 11 to berth nos.5A and 6A, may be referred to the Secretary, Minisrtry of Shipping, Government of India, New Delhi, for consideration and resolution of the controversy. The parties agree that they will put forth their difficulties / view point before the Secretary, Ministry of Shipping, Government of India in that regard.

The petitioners, the respondent no.2 and the respondent no.3 also agree that they would abide by the decision of the Secretary, Ministry of Shipping, Government of India.

We accept the statement made on behalf of the parties and accordingly dispose of the Writ Petition by the following Order:-

(i) The Secretary, Ministry of Shipping, Government of India, New Delhi, shall look into the grievance of the petitioners regarding transfer of handling coal/coke from existing berth nos. 10 and 11 to berth nos. 5A and 6A and after taking into consideration the difficulties of the petitioners, respondent no.3 and the Board of Trustees of Mormugao Port Trust and in consultation with the Goa State Pollution Control Board take decision and issue appropriate directions to the petitioners, the respondent no.2 and the respondent no.3.

(ii) All the concerned parties shall abide by the directions that may be given by the Secretary, Ministry of Shipping, Government of India, New Delhi;

(iii) We record the statement of Mr. C. A. Ferreira, Assistant Solicitor General that within six weeks from today, the Secretary, Ministry of Shipping, Government of India, shall be in a position to resolve the controversy and issue necessary directions after taking into consideration the views of all concerned.

(iv) Until the decision is taken by the Secretary, Ministry of Shipping, the petitioners are permitted to handle the coal/coke at the existing berth nos.10 and 11 subject to compliance of the directions already issued by Goa State Pollution Control Board or that may be issued in the meanwhile.

(v) The Order of status quo stands modified in terms aforesaid.

The parties may be provided ordinary copy of this Order duly authenticated by the Court Sheristedar on payment of usual copying charges.

R. M. LODHA, J.

N. A. BRITTO, J.

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